

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 35045

STATE OF IDAHO,)	2009 Unpublished Opinion No. 481
)	
Plaintiff-Respondent,)	Filed: May 28, 2009
)	
v.)	Stephen W. Kenyon, Clerk
)	
JUAN GUSTAVO CRUZ,)	THIS IS AN UNPUBLISHED
)	OPINION AND SHALL NOT
Defendant-Appellant.)	BE CITED AS AUTHORITY
)	

Appeal from the District Court of the Seventh Judicial District, State of Idaho, Bingham County. Hon. Darren B. Simpson, District Judge.

Judgment of conviction and concurrent unified sentences of forty years, with minimum periods of confinement of twenty years, for two counts of rape, affirmed.

Molly J. Huskey, State Appellate Public Defender; Justin M. Curtis, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Lori A. Fleming, Deputy Attorney General, Boise, for respondent.

Before LANSING, Chief Judge, PERRY, Judge
and GRATTON, Judge

PER CURIAM

Juan Gustavo Cruz was convicted of two counts of rape, Idaho Code § 18-6101(1-7). The district court imposed concurrent unified sentences of forty years, with minimum periods of confinement of twenty years. Cruz appeals, contending that the sentences are excessive.

Sentencing is a matter for the trial court's discretion. Both our standard of review and the factors to be considered in evaluating the reasonableness of a sentence are well established and need not be repeated here. *See State v. Hernandez*, 121 Idaho 114, 117-18, 822 P.2d 1011, 1014-15 (Ct. App. 1991); *State v. Lopez*, 106 Idaho 447, 449-51, 680 P.2d 869, 871-73 (Ct. App. 1984); *State v. Toohill*, 103 Idaho 565, 568, 650 P.2d 707, 710 (Ct. App. 1982). When reviewing

the length of a sentence, we consider the defendant's entire sentence. *State v. Oliver*, 144 Idaho 722, 726, 170 P.3d 387, 391 (2007). Applying these standards, and having reviewed the record in this case, we cannot say that the district court abused its discretion.

Therefore, Cruz's judgment of conviction and sentences are affirmed.